

Passaic River Superfund Community Advisory Group Monthly Meeting Summary Thursday, November 10, 2016

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This meeting summary was prepared by Doug Sarno, CAG Facilitator, to capture the key points, questions, and comments made at the CAG meeting. It is not verbatim, and should not be used as a source of official technical information, individual or agency quotes, or CAG statements or positions. Documents and presentation materials referenced in this summary are posted to ourpassaic.org.

The meeting opened at 6:05 PM.

Status Update on NJDEP Passaic River Natural Resource Restoration Projects □

The DEP project team has recommended projects for funding to the Offices of the DEP Commissioner and the Governor, and is awaiting their response. Once the announcement is made, DEP will provide more information to the CAG and is looking forward to attending a future meeting.

EPA Project Updates

***Lower 8 Miles* □**

In September, EPA and Occidental entered into an agreement to prepare the remedial design for cleanup of the lower 8 miles of the Passaic. This design work will cost approximately \$165 million and be conducted over four years. EPA is now working with all PRPs to reach an agreement to carry out the actual construction of the cleanup. The negotiations will be conducted with all of the PRPs to either contribute monies or conduct the actual cleanup work. It is not yet clear which organizations will fall into which category. The total construction cost is estimated at \$1.38 billion. These negotiations will be ongoing while the design is underway.

Once design is complete, the construction can begin and is expected to take six years to complete. Following that, EPA will implement a long term monitoring and maintenance program.

Occidental Chemical has identified Glenn Springs Holdings to conduct the design work, they will be the folks who will interact with the CAG over the course of the design process. EPA introduced Mike Anderson and Juan Somoano from Glenn Springs Holdings. Mike noted that they were happy to reach agreement and look forward to the future partnership and collaboration with stakeholders.

CAG Question: Will there be work on the river or is this more an office-based project? EPA Answer: Will start with sampling to fill in data gaps or get information specifically needed for the design of the cap, understand fish windows etc. There should be some of this work in the river next year, but overall it will be an office-based effort.

CAG Question: Will there be public involvement during the design?

EPA Answer: EPA will be updating the Community Involvement Plan (CIP) for the lower 8 miles. The CAG will get regular updates on the design work. Some key aspects like siting of the sediment processing facility may also involve hosting special public meetings.

CAG Question: How will the CAG get key information and break down the technical for the community?

Glenn Springs Answer: Glenn Springs is happy to make any presentations that the CAG desires and EPA approves.

CAG Question: Can the CAG get a timeline?

EPA Answer: The agreement has a timeline.

CAG Question: Where is Glenn Springs located?

Glenn Springs Answer: Houston and DC. We are also looking to create a local office. One of the first tasks under the agreement is to identify a coordinating contractor. That is TetraTech. The Project manager there is Steve McGee.

CAG Question: Is TetraTech doing the sediment sampling and analysis?

Glenn Springs Answer: We have not determined this yet, but analysis will be conducted by an outside lab. We are at the early stages of all of this. Our goal is to start collecting samples in the next season.

CAG Comment: Community benefits and local jobs are an important issue in the community. If you are looking for a local office, we would be happy to help.

17 Mile Study

Sampling is pretty much complete, CPG is writing up reports. RI report will characterize the contamination, include a risk assessment. FS report will evaluate options. EPA has had a lot of comments on all of these reports. CPG is working through the comments.

Right now the reports are not in public shape, will let the CAG know when

River Mile 10.9 Removal

In August, the CPG collected some data to understand cap performance. EPA is expecting that data shortly and will report to the CAG after that.

Bioremediation Study

This study is on hold and not proceeding. Maxus and Tiera Solutions are in bankruptcy and are not supporting this work as it was originally envisioned.

Phase II Removal

If nothing else happens, this area will be cleaned up in conjunction with the rest of the lower eight mile cleanup.

US Army Corps of Engineers Updates□

Lisa Baron presented an update on the USACE efforts and the overall Civil Works planning process.

Ecosystem Restoration Projects.

The Corps is completing the draft Feasibility Report and Environmental Assessment for the restoration of the Hudson Raritan Estuary. The tentatively selected plan includes five restoration projects that will be recommended for construction on the Passaic including Essex County Branch Brook Park, Dundee Island Park, Clifton Dundee Canal Green Acres, Kearny Point and Oak Island Yards.

CAG Question: Who makes the ultimate decision, what if State and localities are in conflict? USACE coordinates with state and local officials in cooperation with USACE Headquarters to determine if there are any conflicts with the plan recommendation. Any conflicts regarding the plan recommendation may be resolved after the release of the draft report for public, technical and USACE Headquarters review. More detailed work would be conducted prior to finalizing the report which would then be approved by Corps Headquarters and a Chief's Report would be submitted to Congress for authorization and appropriation for implementation.

Passaic Main Stem Study.

The Corps has reevaluated alternatives to address flood damages caused by the Passaic River Basin. Alternatives were evaluated in a 1989 Feasibility Study that resulted in Congressional authorization of a comprehensive plan that included a tunnel element. In 1995 the authorized plan (the "tunnel" plan) was designed. However, opponents to the "tunnel" plan were successful in passing legislation in WRDA 2000 that prohibits the use of federal funds to design or construct the tunnel. No federal funding was provided to the USACE to continue the study, design and/or construction within the Passaic Main Stem study area for a comprehensive solution to the flooding issues until after Hurricane Irene in 2011.

In 2012, USACE, at the request of and in partnership with NJDEP, initiated a reevaluation of alternatives to determine if there was an economically justified, technically feasible and environmentally acceptable solution to address the flooding on the main stem of the Passaic. This reevaluation is being conducted in two (2) phases, the Preliminary Alternative Reevaluation phase (Phase 1) and the Detailed Analysis phase (Phase 2). The combination of the Phase 1 report and the Phase 2 report will serve as the decision document for Congressional authorization of a project. Phase 1A included the reevaluation of six alternatives and was completed in 2013. Phase 1A identified 3 alternatives that met the appropriate criteria to move forward for further evaluation including: 1) a flood wall levee, 2) non-structural and 3) tunnel. The floodwall / levee and non-structural alternatives were refined and results included in a Phase 1B report. Results were provided to NJDEP who

will decide which alternative they will select to move to Phase 2. Phase 2 includes public scoping meetings and public outreach.

CAG Question: Isn't there a restriction on funding for the tunnel?

USACE Answer: Yes, but in accordance with USACE regulations, all alternatives in a reevaluation study must be compared to the authorized plan (the "tunnel" plan). Therefore, the "tunnel" plan was only updated for comparative purposes.

CAG Question: What were the criteria for DEP to select the three out of the six?

USACE Answer: Benefits, cost and public outreach? The alternatives must be economically justified. The three alternatives that were reevaluated in more detail in Phase 1B were determined to be economically justified in Phase 1A. Three alternatives were determined to not be economically justified and therefore were not carried into the Phase 1B analysis.

Once DEP identifies the alternative, there will be public outreach on more detailed evaluation, design, and cost estimates for the recommended plan? Yes, formal NEPA scoping meetings and public outreach meetings will be conducted once an alternative is identified for further reevaluation.

CAG Question: Who in the State is working on this evaluation?

USACE Answer: The NJDEP is the study's non-federal sponsor and cost-share partner for this reevaluation.

The Passaic Tidal Project.

This work was originally part of the Passaic Main Stem Study, but the Sandy interim report recommended to move this lower section of river forward separately. This work includes floodwalls in Newark, Kearny and Harrison.

CAG Question: What are the proposed heights of these structures?

USACE Answer: Up to 14 feet NAVD88 (North American Vertical Datum of 1988-approximating sea level) is authorized, also looking at 16 and 18 feet NAVD88.

The existing park already achieves the desired elevation. Small piece near the Jackson Street Bridge needs to be raised to 15.2 feet, which is only a foot or so higher than what is there now. It is easily designed right into the park.

CAG Question: Can we see maps of these structures?

USACE Answer: The basic alignments on the map are from the Congressional action, but we need to wait to hear back from the State.

Minish Park Bulkheads.

The bulkheads will include basic railings, any additional park amenities would need to be funded by the City. The City will conduct its work when the USACE completes the Phase 1 bulkhead construction. The USACE's North Atlantic Division recently approved the report a few weeks ago (October) to advance the construction. It will be 100% federally funded out

of Sandy Disaster Relief Funds. The design has been reinitiated and award of the construction contract is expected close of 2017 (updated schedule).

CAG Question: What is the Phase I River Restoration? The CAG needs some better understanding of what is happening on this project?

USACE Answer: Wetland restoration would not be able to progress until the remediation is completed.

CAG Question: Can mitigation projects be located in the main area of Newark?

USACE Answer: This is part of the challenge of this project since any habitat restoration must wait until the remediation takes place.

As part of the Hudson Raritan Estuary Ecosystem Restoration Feasibility Study, the recommended plan for the restoration of the first 33 sites is expected to be around \$650 million. Funding would be requested from Congress once the Feasibility Report is finalized and a Chief's Report is submitted to Congress for authorization.

Lower Passaic Community Involvement Guide for Federal Activities

- Sarah Lerman-Sinkoff is working to create a document to guide federal agencies to conduct effective community outreach
- This work will build on the work already done on Superfund CIP
- It will help guide civic groups how to provide coordinate input, identify tools that can be used, and identify specific local resources and events.

Sarah gathered input from the CAG and other attendees on community resources and tools that could be used effectively in supporting outreach such as meeting spaces, communication tools, and related ideas.

We need to think creatively how this will be kept current and used and explore creative ways to keep everyone up to date. How it is implemented is the key to its success. If the Ambassador position is maintained, it is a good way to steward this process.

Public Comment

There were no public comments

The meeting adjourned at 8 PM